

# **Exhibit A**

THE LEGAL ADVISER  
DEPARTMENT OF STATE  
WASHINGTON

August 25, 2011

Hon. Tony West  
Assistant Attorney General  
Civil Division  
U.S. Department of Justice  
Washington, D.C. 20530

Re: *Madam Habyarimana et al. v. General Paul Kagame et al.*,  
Case No. CIV-10-437-W (W.D. Okla.)

Dear Mr. West:

The above-captioned suit names His Excellency Paul Kagame as a defendant for actions prior to his government service. President Kagame is currently the President and sitting head of state of the Republic of Rwanda and, in light of his current status, the Republic of Rwanda has formally asked the Department of State to take the steps necessary to have this action against the President dismissed on the basis of his immunity from United States jurisdiction as a foreign head of state while in office.

The Department of State recognizes and allows the immunity of President Kagame as a sitting head of state from the jurisdiction of the United States District Court in this suit. Under common law principles of immunity articulated by the Executive Branch in the exercise of its constitutional authority over foreign affairs and informed by customary international law, President Kagame, as the sitting head of state of a foreign state, is immune from the jurisdiction of the United States courts while in office. Accordingly, the Department of State requests that the Department of Justice submit a Suggestion of Immunity to the district court at the earliest opportunity. The Department further requests that the Department of Justice note in its filing, as it has in previous filings, that the Executive Branch retains the authority to refrain from making a similar immunity determination in future cases, considering, for example, international norms and the implications of the litigation for the Nation's foreign relations.

This letter recognizes the particular importance attached by the United States to obtaining the prompt dismissal of the proceedings against President Kagame in view of the significant foreign policy implications of such an action.

Sincerely,

A handwritten signature in black ink, appearing to read 'HHK', is written above the printed name.

Harold Hongju Koh  
Legal Adviser